

Letters From A Third Striker

The following letters were hand written by Todd Carter, inmate #E80400, at Vacaville State Prison. Todd Carter is classified as Category-K for inmates who are intellectually or developmentally disabled. Todd's letters resonate with a simple message of hope. They are reproduced here with his permission.

by Todd Carter Cruz

February 20, 2002

-I got your name from Tito Valdez. I read the book you wrote it was 100% on the \$. I have been a good friend of Tito for four years and he said I should write you about my case. I am doing 65 years to life, no violence in my life, plus the police lied on the witness stand.

I got into trouble when I drink. I take stuff not mine, little stuff, a key, army pins and just junk. Well I got 65 years to life under Calif 3XXX law. I was so wasted when I did these dumb crimes I gave the lady of the 459 PC my name and mom's phone number. She said at the pre hearing I had a glaze in my eyes and I was acting cowardly and perhaps I was on drugs or something at the jury trial.

She said I was sober because an expert Dr. said I could not perform requisite intent for a 211 and 459 if I was under the influence of alcohol and drugs. The policeman put alcohol on breath on police report, but at the trial he said he didn't smell it. I was rushed through the courts and sent here to die. I had the same appeal lawyer as David and Tito Valdez. He just took \$9,000 and didn't do his job. I am retarded and I don't know how to do law work or get the money that Richard Dangler took. Can you please help?
Sincerely,
Todd Carter

March 4, 2002

-I hope this finds you doing well and in good health. (happy face drawing) I got your letter today and it really touched me. Thank you so much, today is my birthday. I am 37. I have been in since 1994. I am ready to fly this coop. Jesse, you made my Birthday so much brighter. I am so happy and when the Judge said 65 years to life, I didn't lose hope and I have always had it, and that's what's keeping me going and I stay positive and I've been in a long time and I have not had any fights, I treat people the way I want to be treated with respect.

When I was young I almost drowned in swimming and I am a little slow. I am a DD2 here in the prison. That's like a retard that's what they call a DD2. I am not a retard. I

hope I am making sense in this letter.

Mr. Tito Valdez is a wonderful man. He was my roommate and I hope that him and David get justice. Tito and I play basketball on Saturdays, he is in better shape guys twenty years old. Jesse, I have never hurt anyone in my life and I am doing more time than a murderer who killed two people. I just want justice in my life.

I got my box of transcripts from Richard Dangler. He got \$9,000 and just went to the bank. I wrote the California bar and they said he didn't do anything wrong. Jesse, all my troubles are because of alcohol. When I drink, I lose control of my right way of thinking. I went into a house and took a key I don't know where the key went. I was drunk and once I took some army pens and junk jewelry under \$30 bucks it was all given back, but I was sent to prison for seven years for 3 459PC. I gave the man my name. I was not in my right mind. When I am sober I do the right things. When I was in the LA County I found a moneybag and I turned it in to the guard because it was the right thing to do.

I believe if they would check into all the different stories that the witness told from the police report to the pre hearing to the jury trial. At the pre hearing the lady of the 459 said oh, he had a glaze in his eyes and he was acting cowardly and perhaps he's on drugs or something. I was in my car, backing out of her drive way. It was daytime, 2pm. I got out of my car and gave her my name and mom's phone number. The 459PC. A charm bracelet a pocket full of nickels. The police didn't get there till 4pm. The man of the 211 said I was out of place. Not in my right mind. Plus the officer put alcohol on breath on the police report. I chugged a 5th of Vodka and I was doing a lot of cocaine. I am not happy about it.

Well the expert Dr. said I could not perform intent for a 211 or 459 if I was under the influence so all the witnesses said I was sober. My lawyer James w Tobin asked the police man why he marked the box alcohol on breath and he is telling the jury I didn't smell like it. He said I told him I was drinking and the computer did it. Also, I ran from the officer with my hand behind my back and I ran so fast I lost the officer. The cocaine and booze in my blood. Now the officer said I kicked him and he lost his balance and that's how I got away. Then he said he saw my legs sticking out of the bushes and he runs over to the bushes and I jumped up and kick him two or three more times then he says he sprays OC in my face and I stop kicking. If I kick an officer I am going to get charged plus get by butt beat. He just said I kicked him because I out ran him. I believe when I got

booked at the LA County Jail, my blood was taken and if they took my blood it will prove I was over the legal limit. Oh, thanks you from the bottom of my heart for your help. Sincerely,
Todd Carter

July 3, 2002

-I hope this finds you well. I am doing good. I need back surgery. I am in pain but I am used to it. About three years of it.

I get to pick up a birthday box at 7:15am. It's a box of goodies my family sent me. I miss them so much. You asked me what kind of work I was doing? I was on SSI plus I was playing small parts in the movies. No speaking parts but I was just starting out, on my modeling photo my name was Sebastian. I was doing real good, then this happened.

Jesse, once I got arrested for taking the key and I was drunk. I gave the officer my modeling name, Sebastian Cruz. Santa Cruz is where I was born so I said Cruz and I went to court and I took a five year prison (illegible). My PD said don't, she can get it dropped to trespassing. I just took the deal to get out of the LA county jail. Now in 94 when I got arrested I gave the officer my real name Todd Carter and I get to prison and they tell me I am under an AKA Sebastian Cruz, but it's OK. The mail comes under both names. I was sentenced under Carter and my appeal is under Carter. I will see Tito today and show him the letter you sent me. I am sending you my petition for review so you can get an idea. And my modeling photo, it was taken in 1990.

Hello, again. I just got back in my (illegible) and I opened my box of goodies. I am having a wonderful day. I want to make you some ceramics for your house to show I am very thankful to you. If you want, I can send you more legal transcripts. Oh, Tito said hello and he is going to write you. I don't want to bore you. Please write soon. I would like to get my case on 20/20 or 60 minutes or dateline. I will say bye.

Bye,
Todd Carter.

July 4, 2002

-I hope this finds you well on this Fourth of July. So how are you? I am doing good the prison is on lock down. There was a fight on the yard gang bangers I feel so sorry for Tito, he worked all his life to have this happen. He is always positive and has a smile on his face. I hope I get a soda today. Last

4th I got one. California is broke no budget yet. I sure hope to be out soon. Can you check Saga and see if I am on the members list. I was getting checks for a while just little ones. \$7 or 12 or 16. They were always different. I had a small part in Marked for Death, but the part I was in was cut. I was in about four movies. I was just starting out. Todd Carter is my acting name. Sebastian was my modeling name. I was just starting out in modeling also.

Jesse, I went to prison in 1991 for getting drunk and taking a key and some army pens. I also took just some junk under \$30 junk I was given seven years state prison and the prison sent me to the state hospital. I got out in three years. I was never told I had 2XX. I was living in a half way house and I went dancing at a club at night and I met a lady who let me move into her house. She started sharing cocaine and booze with me. I was not in my right mind. I was calling my mom and she begged me to get help. I called a place to get help and they accepted me. But I was doing drugs and didn't go to the treatment. My mom Naomi was calling my parole officer, asking him to test me for drugs he laughed at her. Then I stayed up all night and drank a 5th of vodka absolute and some barcardi 151 plus I was doing 3 to 5 grams of cocaine a day. For over a month, at the preliminary hearing the lady of the 459PC said I had a glaze in my eyes and I was acting cowardly and perhaps I was on drugs or something then at the jury trial she said I was sober. I believe the DA told the witness to say I didn't smell or act like I was on drugs because I pleaded "NGBI."

The policeman had alcohol on breath on the police report then he tells the jury I didn't smell like it. The computer did it. If my blood was taken at the Burbank Jail or LA County it will prove my case that all the witnesses lied. Plus I out ran the police officer with my hands behind my neck and I lost the officer. I am not proud, but God is my witness I never kicked the officer. He just didn't have me apprehended and when I ran he ahead to have an alibi why he didn't have a hold on me so he said I kicked him and he lost his balance and I ran. If I did kick him, how am I not charged and where is the medical report? Jess, he told this to the jury to make me look bad. If you can get my booking photo from the Burbank Jail 6-8-94 it will show I was hammered, I was arrested under Todd Adam Carter and I was sentenced under Todd Carter but when I got to prison I got my alias name, Sebastian Cruz. I went to my councilor and explained my real name and Sebastian was my modeling name so now I get mail under both names. I am just a #E80400. I hope I am making sense out of all of this. I gave Tito a name of a lawyer who looks into police dirty

work.

Well Jesse, I am making you some ceramics to show you my thanks. I am not working here in the prison because I need surgery. The prison has known about it for two years now and just has not taken care of it. Its pain full but that's a different story. I will let you go.

Bye, Bye,

Todd Carter

Please write soon

July 7, 2002

-I hope this reaches you doing good. I want to thank you for your help. You gave my hopes a boost (happy face drawing). I ate dinner tonight with Mr. Valdez Tito and he said he spoke to you, he was real happy. I need to give him your address at breakfast. It's been real hot hear in the 100 degrees. I have a fan in my cell.

I starting making you a cup, it like a pair of blue jeans and the patch says Jesse and I am making you an eagle for your desk. I enjoy painting ceramics and I like to just have fun. I love the beach. I miss it so much. There used to be trees on the prison yard. I believe I will be out soon and Tito and David and we can all have a picnic and I want to thank you now. Well, I will write you a lot, but you don't have to write me a lot. I know you're busy. Can I ask you to call my mom please and tell her what your doing. Her name is Naomi. She told me, Todd, they didn't just sentence you to 65 years to life but her also. I really miss them so much. Well, I will say

Sincerely,

Todd Carter

Have a Great Day

July 10, 2002

-I hope you are doing will. I am doing great. I talked to Tito today his is doing good. The prison is on lock down. The gang bangers got into a fight. Hey I found a case US v. Henry 984 F. 2d 1040 when the police officer has reason to know that suspects answer may incriminate him even routine questioning may amount to interrogation. In my case, the police officer came to my friends apt. and told her they were investigating a traffic accident and she let them into the house and they came to me and said do you know hwy w are really here? I said yes I needed some clothes to wear. I didn't need any I was real high and I was scared. But they used my confession at trial.

I also have all my jury members and (illegible) in LA. Oh, I want to thank you for your help. I hope to get a

letter from you soon. Its real hot here in Vacaville. Can you please make me three or four copies of my photo I sent you? It's my only copy. Thank you, well, I will let you go.

Bye, Bye,

Todd Carter

July 24, 2002

-I hope this finds you doing good (happy face drawing). Oh, thank you so much for your help. I am so happy I ate dinner with Tito. We had a good time. I went to a hospital today and I had a Discogram. Oh, I am in pain. I go to see the doctor tomorrow. I got your Levi cup all done and now I am working on your American eagle for your office. I will send it out soon. I use UPS and I am waiting for my sister to send me 20 bucks. It will be cheap to mail your box, five or six buck. I will make you more ceramics as time goes by. I sent stuff to Maria, Tito's wife and his family in a letter.

I really want to go home. Did you have a chance to check with SAG? Jesse, when I went to Patton Hospital to get ready for court, then I came back to LA County to go to trial. I didn't have a complete hearing and as soon as the trial started the officer who said I kicked him and as he got up to leave the witness stand I started clapping my hands out loud and the judge said to me what I am clapping at? I said the officer did a good job. She said don't ever clap in here, I will remove you from my court room. And I said I don't want to be here in the first place. She was (illegible) to me. Well Jesse, I will let you go. Have a great day.

Sincerely,

Todd Carter

PS: Maybe in time you can visit me in person. Happy trails, thanks for the photos copies.

August 5, 2002

-I hope you are doing good. I am doing good. Tito told me to tell you hi. The Mexicans are back on lock down. Tito was off lock down because he is older and after the first riot, they let the older Mexicans come off lock down, then just the other day, Aug 1, 2002 the young gang members had another riot so all the Mexicans got locked up. I feel so sad for Mr. Valdez. He worked all his life and the crooked police set him and David up. He will get justice. Me too. I got a visit today from my Ma, Naomi, Sheila my sister and her two kids, Dillon and Colby. It was so wonderful (happy face drawing). I am going to send your eagle and cup this week on Wednesday. My sister put twenty on my books. I miss them so much. There is a program called

californiaconnected.org. and they maybe can help us on my case. They lead you in the right direction. I was going through my legal papers and I came across a letter from Richard Dangler. I will write what it said on a bigger piece of paper. He never filed a 3XXX writ. He sent me a copy of one but it had the wrong charge. It said I was here on a manslaughter charge. I wrote him back and told him he had me here on the wrong charge. He never fixed the writ. Then I told him how my booking photo would show my eyes red and glazy, so he said he would get the photo.

Oh, Jesse, I am tired so I will say bye, bye.

Happy Trails,

Todd Carter

September 19, 2002

-I hope this finds you well and in good health (happy face drawing). I am glad you like the eagle and mug. I am sure glad they didn't break in the mail. Well, the prison is on lockdown a week ago they found a hole in the fence. They are in the process searching the prison. Jesse, I want to thank you so much for your help. I am so thankful. It's like I was in the ocean and I could not see land, I was helpless and you threw me a rope. I can't thank you enough. Glad to hear you got a new job. I hope you like it. I have been writing universities asking for help. All of them have said no. But I won't give up hope, I wrote Lawrence Freedman at Stanford University and he said he can help me but he said never give up hope.

I need to eat dinner so I will write in a bit. OK, I ate my supper. Sloppy Joes and peaches, it was good. I remember when I went to the fair and there was a scarecrow contest. I won out of about fifty scarecrows. It was kool. I won three hundred. I am sorry my spelling is not so good. In school the teachers would just pass me. I really didn't learn much. I went to the ninth grade.

Oh, I had a wonderful visit with my mom, sister, her son and daughter. It was a day I will never forget. My nephew gave me a hug like I never had. I will never forget that day. My sister Sheila won playing bingo so they came saw me. I ate real good. When I came to prison, my nephew was two or three and my niece, she was not even born. I don't get many visits. Once or two a year from my Family. They live in Watsonville. I was born in 1965 in Santa Cruz, California. I have a brother, Donald, he is 38. I am 37. I have not seen him for about nine years, I miss him. The prison won't approve him, he has a hard time with the visiting form. I think he is scared that they will keep him. He is a good guy, never been to prison, he has been in jail for

drinking and little stuff. I was going to have surgery on my spine but I changed my mind. My discs are worn out but its not in the nerves. I can hang.

I miss the ocean so much. I want to go as soon as I get out. I receive letters from FACTS and they said one guy wrote his judge for two years and he wrote once a week and the judge called him back to court and gave him a new sentence. Mr. Dangler sent me a paper to sign and he said he was going to get my booking photo and blood test, he never did it. I wrote to a place called the Human Kindness Foundation and they called the state public defender and Ellen J. Eggers wrote me and asked me if I want her to contact Dangler. I wrote her and said yes, I explained to her what he did and did not do. I sent her the copy of the letter he had me sign and he didn't do it. So I am waiting for her answer when I get word I will let you know. Well, my hand is starting to hurt a little here is a picture of me and my family. Can you make me a few copies on the computer please. I need to go.

Happy Trails

Sincerely,

Todd Carter

October 10, 2002

-I hope and pray you are doing good. I thought I would drop you a few lines and say thank you for all your help. I saw Tito today and he lent me to read the work you are doing on his case. Oh, it is wonderful, Tito don't belong in here. He helps me out with his positive attitude. His is always in a good mood. Oh, he loves football. I was his cellmate and we got along real well.

Jesse, I talked to a man tonight who had Dangler as an attorney. Now he is suing him. His sister talked to Dangler about my case and I didn't give him the OK. Should I have her write an affidavit saying she talked to him? Jesse, I am doing my best to keep the hope and believe one day I will be out of here, did I tell you it took Dangler six months to send me my transcripts? I get his last letter where he lied big time.

I am slow in the head and he said he explained to me a (illegible) writ and all these big legal stuff. He never did and even if he did I could I grasp what he talking about. He never accepted my calls and I gave four letters he sent me that someone forged his name. It's his name but it all different. I want to go to the fair, beach, just sit under shade tree, eat some of Ma cooking.

Jesse, do you think I will even meet you in person? I sure would like it. I am waiting for a legal letter from an

attorney who does death cases. She wrote me and asked if I want her to call Dangler and I explained to her what he did and didn't do and what he said he would do. And I will keep you up to date. I hear Polly Klaas Grandpa is against the 3XXX. There is a cereal killer in here and he gets to go to the parole board every two or three years and he killed about 13 people and I have to wait fifty years before I get a chance. Well Jesse, I saw an officer today and he said he watched Tango and Cash and he saw me (happy face drawing). That made me feel good and sad because I miss doing back round work in the movies. It was fun. I only got into trouble when I drank. I am very sorry for what I did. Well, I will say bye, bye.

Peace, Happy Trails

Sincerely,

Todd Carter

October 22, 2002

-I received your mail today and I want to say thank you so much. I hope you are well and in good health. I am doing wonderful the prison is on lockdown. I don't know why but its part of prison life. I will tell Tito the info you gave me. I will let him read your letter. I am just hoping and praying they catch the sniper. There is so much going on in this world. Bush is going to get the USA in trouble. The UN says it won't support a war and Bush says he will do it alone. Talking about the USA, he is not going to put on an army suit or a gun. He is going to put young men and women to do his dirty work. I get upset when I look at him.

I sure would love to have my case on the Internet and you can put my address on it also so people can write me. Dangler is a crook. He never knew my case. I get a letter saying I am sorry to hear about the 165 years you were given for non-violent crimes. I don't have 165 years and he said he explained a mixed writ and (illegible). I don't understand that and my mind is as a child. How could I understand that big legal stuff? But God is my witness he never explained that stuff to me. He is a crook. Ma tried to call him many times he never called him back. He is hiding. He knows he did a lot of wrong and he can't face the truth. I am sending the letter Dangler sent me. I sent him a 9th Circ. Case and he said he going to use it in my case. Its about the police coming to my house and knocking on the door and saying to my girlfriend they are there to investigate a traffic accident. She let them in and they came to me in the room and said you know why we are really hear? I just spontaneously said yes I was there I needed some clothes to wear.

The (9th Circ. Case says I the case US v. Henry 984 F 2nd 1040) when police officer has reason to know that suspects answer may incriminate him even routine questioning may amount to interrogation. US v. Henley cite as F 2nd 1040 (9th Cir 1993) because we cannot say that the district courts admission of Henley's statement was harmless beyond a reasonable doubt, we must reverse the conviction. As there may be a retrial we have reviewed the remainder of Henley's contentions and find that the district courts evidentiary rulings fell well within its discretion.

Jesse, that case fits my case like a tight glove (happy face drawing). I sent it to Dangler and he said he is going to use it. But he never did. I don't know what to do. But OK, I just want to thank you for all your help. And soon Tito, David, and I will be free. Cool. Should I write my appeal lawyer and ask him to file a writ, Dennis Cava? Tell him about the case above. Oh, I really am happy to hear that my case will get some light on the Internet. Thank you so much. You can put my photos on it to so they can see I am a human being not an animal who should not be locked up like a dog. Well, I will let you go write when you get a chance.

Peace, Happy Trails,

PS: I just went to dinner hamburgers and potatoes and cake. I saw Tito and I gave him your message and he said he gets more information for you before you submit the legal work. I am watching the baseball game. 9-4 Angles, so I will let you go. Peace be with you.

Todd Carter

December 1, 2002

-I hope this finds you and your girlfriend doing good and in the best of health. Thank you so much for the wonderful postcard. It sure is beautiful. Are you from Boston? I really have not seen much of the world. I have lived in Colorado, its nice there. I heard on the news that non-violent prisoners might get set free (happy face drawing). I have no violence in my life.

I saw Tito today, he said you sent him some photos can send me please? My new roommate and I get along great. Jesse, I have peace in my life. It is wonderful, I see people who have one or two years sentences and they are going crazy. I am getting a new television for Christmas. I want to say Happy Thanksgiving. I am so thankful for your support. It helps when you have some one in your corner. I am sorry about my missed spelled words. Well, I am sorry it has been a long time since wrote. Please write when you can Peace,

Todd Carter

January 6, 2003

-I received your card today. Thank you so much. I show it to the guys in the dayroom, tomorrow. I am going to show Tito and my bosses. Thank you so much. I am so glad to have you in my corner (happy face drawing). I have faith that Tito and I will be free. We have been in for over ten years, well June 8, 1994 will be ten for me. Jesse, I am glad this has happened to me because it woke me up and I can see the big picture and the way I was going I I killed or got aids. I was not living safe. I was living in the fast lane, Hollywood, I am a member of SAG. I have never paid my dues but I got my foot in the door. I was playing little parts and I just was not taking serious and just am thankful to be alive.

I hope you understand. I want out of here more than a dog wants off his leash or a bird wants out of his cage. I will be free soon, did you have a good happy New Years? I had a good one. Every year I make a plan, I say I am going to be out this year. So 2003 will be the year. I help people in here do ceramics and leather. I really enjoy it. I wrote the parole board I said I have never hurt anyone in my life, why am I doing more time then someone who killed two people when am I to going to the parole board? They wrote back and said 2045. It's crazy. Tito told me to ask you maybe you can visit me. All I can do is ask. Can you please? I get lonely in here and we can just talk and eat and get to know each other. The world needs more people like you.

Well, it looks like Bush wants war. He needs help. I think it's for oil, and he said that guy tried to kill my daddy nine years ago. I don't think he is going to put on boots and fight, he is going to send young men and women to do his dirty work. The whole world needs peace. I think Bush is going to do something he will be sorry for in the long run. He thinks he can control the world and tell the countries how to live and what to do. I don't understand him. I don't dislike him I just don't understand him. I hope I am making sense out of all of this.

Well, I heard that a couple guys got took by Dangler, he don't accept their calls, or file the paper work on time. I got a few letters that some one forged his name. I went to the law library and found a case that will get me a retrial. It's about when the police got a bunch of information from me at my house and they used it against me at trial. They didn't read me rights until we were at the police station. The case says it voluntary statements can't be used

against me, it's a good case.

Plus, I had a NGBI trial, I went to Patton state to get ready for trial, I came back to LA County Jail and went right into trial with out a competency bearing and I started clapping when the police officer got off the stand and the judge said what are you clapping for? I said I am clapping at the officer. She said don't you ever interrupt my courtroom. I will get you out of here. I said I don't' want to be here in the 1st place. I hope Dangler didn't mess me up in the courts. I want to go home.

I was not into in my right mind when I did these crimes. I took nickels; charm bracelet, three two dollar bills, a heart necklace and I gave the lady my name and mom's phone number as I was leaving. I was going to get into my car and she pulls up behind my car and at the preliminary hearing she said I had a glaze in my eyes and perhaps I was on drugs or something. And the man at the 211 said I was out of place. He could see I was not in my right mind. He said he thought it was a joke. I put a note on the counter that said put all the \$20 in the bag I got a 357 gun. I didn't have a gun. I hate em.

And the time the police took to my house from the 459 was about four hours and the police used religion to get me to take and its on tape he had a recorder and at the trial he said he never used religion and he marked the box that said alcohol on breath on the police report. Then at the trial, an expert Dr. said I could not do what I did if I was on drugs or alcohol and all the witnesses said did smell like alcohol or there was no glaze in my eyes. They changed their stories. I know my booking photo will show I was gone and drunk. I want to get that photo. Well Jesse, I will say bye, bye.
In Solidarity,
Todd Carter

January 20, 2003

-I hope this finds you well and in good health. Tito said you said hello. Thank you very much. SO how have you been? I am doing great. I don't have my freedom yet but I got hope that I will soon and Tito and David. Tito is my good friend. Yes, Richard Dangler is a crook. What goes around comes around. He will get caught one day and be sent to prison.

I watched football. I think Bush has a personal problem with Saddam. He said on the news this guy tried to kill my daddy. And the UN doesn't want war but Bush says we will do it alone. What I say is live and let live. I wouldn't even kill a bug on the floor. I would like a college to look into my case. Can you help me? Please. I wrote a place called

the Human Kindness Foundation and told them my story and they wrote or called a lady at the public defenders office and she wrote me and said we only do death penalty cases. I told her I was sentenced to a slow death. She said she would call Dangler and see what's up. I sent her copies of letters Dangler wrote me and said he would do this or that, but never did. I am waiting for her letter. I got these legal papers, can you help me? About ten each plus ten copies of my photo. I want to put a letter together and a photo plus those legal papers and send them out to colleges or to shows.

I really like PR. Phil I used to see him on Opera but I don't like her show. My mom asked her for help she never responded. Do you use your cup to drink coffee? I want to thank you so much for all of your help. Can you make me a wanted poster with my photo? I will give you an idea on my photo. Well, Tito is a strong man inside and out. He always has a good attitude and I am so glad you are helping him and I. Well Jesse, I will say good night.
Happy Trails,
Todd Carter.

February 2, 2003

-I hope you and your family are well and in good health. I received the cool card with the new address. I gave it to Tito he wanted your new address and to read the card. I took it to work and showed everyone. They all got a kick out of it (happy face drawing). I did also. Thank you for being in my corner. I know I will be free soon. I have been in since 1994. I have learned my lesson. Well, I am optimistic and I will never give up hope. I wrote 20/20 and they wrote me back and said they don't have time to help me. But I tried. I wrote a law professor at Stanford L. Freeman. I am not sure how to spell his name but he said he can't help me. But for me to never give up hope and that put a charge in me. The California law is all backwards. I saw on the news a man got charged with five counts of child molestation, and he got five years, five different kids. Where is justice? But I will stay positive and keep my head up and treat people with respect and just believe one day I will be free. I wrote you a letter a few days ago but it was a freebee envelope from the state because I did not have any stamps and I also wrote a few more letters and one came back so I think the one I wrote you will come back to me, but now I got 12 stamps and I will resend it, OK.

I sure hope your life is going good. Mine is the best I make it, Oh, my cousin is my roommate, he gots four years with half time and he thinks that is a lot of time. He

gets home in September 2003. I was going through my transcripts and I found a motion my public defender wrote and I got a paid attorney, \$200 all he took for a down payment. Well, the motion I was reading said that if the preliminary hearing did not bring up my priors, they can't be brought up at the jury trial (happy face drawing). They never brought them up. I got the motion, its in my transcripts. Oh yea, I will finish this up tomorrow. Thank you for being my support, I will ever be thankful to you, well I better say have a great day.

Bye, Bye,
Happy Trail,
Todd Carter.

February 23, 2002

-I hope you are doing well and in good health. I am sorry I have not wrote sooner. I was hoping to hear from you. I understand your very busy. I am hanging on the best I can. I talked to a lawyer who does appeals for the men on death row and she said the 3XXX don't look good for us. Oh, I am so happy that Bush don't get to attack the man his daddy tried 9 years ago. Peace, not war. I been talking to Tito a lot. He is always positive and I want you to work on his case first. I am 37 and he is almost 70 so please help him first. The prison is on lockdown. There is a training going on. I get off lockdown tomorrow. I hope your job and your health is good. I got a real good roommate. His is from Vietnam and one of the best roommates I have had. He is teaching me and I am teaching him. I am 37. I hope by 40 I will be out. The police lied in the police report and on the stand.

I will be free. I know it, at the pre-hearing, they all said one nothing but at the trial they changed the story. I read where a man had 3XXX and he wrote his judge once a week for two years and the judge called him back to court and gave him a new sentence. Should I do that? I am happy to have you on my side.

I have been watching football. I am doing good on my bets. I just bet little ice creams. I bet a fat guy on Sundays and I win 99% of the time and the other night at dinner I won his ice cream so I had two and he had none so he was not looking and I put it back on his plate and he got real happy. I can't eat in front of people like that. I hope you understand why. Jesse, I hope you are still at this address and I need to say

Bye, Bye
Peace,
Todd Carter

February 26, 2003

-I hope you are well and in good health and all that is close to you. I am doing good. I just wanted to write and say Hi. Well Bush is going to get his way it looks like.

Saddam wants to have a talk with Bush on the TV so the whole world can see Bush is a bad man. We need peace and war will just be had for everyone. I want peace and I know you do also. Tito wants peace also. I see him a lot. He always is positive and that lifts me up. I have faith that we will be out 2003 soon. Thank you so much for helping us. I was going through my transcripts and my attorney who the court gave me before I got my paid attorney did a motion that was never filed. Its about my priors and it says that the court can't use my priors at trial, if they didn't bring up my priors at my preliminary hearing.

The motion is about my priors. They were never proven or mentioned at my preliminary hearing (Ghent, Sopra. At 954 illustrates this point. (667 (d) The extreme consequence of "strike" requires that they be proven at the preliminary examination. My priors pre trial transcripts show no mention of priors. Although Menell. Ervin v. Sup. (1981) 119 Cal. App. 3rd 78. fn2 PP 86-87 and People v. Shaw (1986) 182 Cal. App. 3rd 682 all comment in dicta that prior convictions used as pure enhancements may not require proof at the preliminary examination. These comments do not relate to priors used as sentencing purposes.

Also, the court chose to categorize my priors as strikes, but as the felony priors in question occurred before PC 667 (d) (1) qualifying priors felonies, as strikes became statute law this determination could not possibly have been made by the court legally.

Therefore, I believe that I was wrongfully given a sentence of 65 years to life. And since my priors were not proven at the preliminary hearing, my maximum sentence should not have been more than 7 years excluding enhancements, as shown by the Ghent rationale. As you can see, I finally received a sentence greater than that of the standard punishment of murder. I committed no actual violence during my offence. Please help me.

So what do you think? Good stuff? I believe this is my ticket home. I talked to my sister, Sarah, today. She is doing fine. I just got of my job so I hope I get some mail today. I love mail. I have a few pen pals. It's a beautiful day today. The sun is shining and a cool breeze, well I will finish this up.

Hi again, I just ate supper, chicken it was good. I don't complain much. It does no good. If my eggs are cold at breakfast, oh well, I am happy to have something to eat.

I have always been that way, well Jesse, I saw on the news about how they are trying to change the 3XXX law. They want strikes to be violent and serious. They say mine is serious. I can't see how but I have faith I will be free soon. Thank you so much. OK, I want to mail you this so you have a great life.

Bye, Bye,
Happy Trails
Todd Carter

March 25, 2003

-Peace to you and all your loved ones. I received your mail today and I want to say thank you very much. I hope your doing good in your life, well bombs are flying and people are dying, its so sad what Bush is doing, how can that jackass tell another leader he has to leave his country? I think he needs some heavy medication. I just heard 300 to 500 people were killed today and none of them were USA. It's like a pit bull fighting a poodle, very sad. Now Bush wants \$77 billion to cover the cost. I heard on the news that Bush was at Camp David watching a movie like a movie with a big movie star. He is enjoying his life while young men and women are dying.

I am sorry my writing is not so neat. I try, I am so happy we are going to visit. I will check and see if you are approved. I don't get to visit my brother, they won't approve him. I have not seen him in about ten years. I miss him so much. I am so happy I got your mail. I get lonely in here. I talked to a man today who got 25 years to life for \$5 rock cocaine. The 3XXX law is not fair. I am just rotting away in a cage, it's going on ten years. I need help and I thank you with all of my heart for helping me. I want to prove the police lied in the police report and on the stand. I really need my booking photo. Police report and the officer had a tape recorder while I was hearing questioning and he used God to get me to confess. He said you need to get right with God and then on the stand he said he didn't use God's names, but its on the tape. Hey, I will write more tomorrow, Todd. March 26, 2003-Hi again its me. I hope you are doing well. I slept good. I need to go to breakfast so I will finish up later today. Hi again, I am back in my cage, listening to my radio and thinking of my wonderful friend, Jesse (happy face drawing).

Its real sad I was talking to a man who killed someone. He has been in for a few years, five to six now. He gets to go to the parole board in two years. They say I got to wait till 2045. I don't understand.

Hey, you I hope you are doing well. I have been

going through my transcripts and finding a lot of different testimony the officer lied a lot and I have it all on paper. I am going to file a motion on it. I don't know much about the law but I will do my best and ask my higher power to help me. I am not going to throw in the towel. I have about two weeks to get it filed. It's newly discovered evidence. I got my transcripts one year ago, April 12, 2002. So I got one year from that date. Oh, Jesse thank you for your help. I can't wait to see you. Well, I will let you go. I saw Tito and he says hi and I am going to say
Bye, Bye
Todd Carter.

April 14, 2003

-I hope this finds you well and all your loved ones. So how are you? I am doing good, just praying I get justice. The prison is on lockdown for a week. Someone tried to get away. I received some mail from a place trying to change the 3XXX law to violent crimes only. That will set me free. I was reading my transcripts and saw where it took the Burbank police two hours to get to the house. I took the nickels and junk jewelry and this is a million dollar house. That's strange. I found a lot of lies that the officer told on the stand. Plus, the officer had a tape reorder while I was being questioned and the officer used religion on me to break me down and tell him why I did it. Then my lawyer asked him if he used religion to get me to confess and he said I am not a Christian. I didn't do that, but it on the tape. So what do you think of the war? It looks like the people of Iarq, Irqa. I don't know how to spell it. But it looked like they are happy and I heard them say thank you USA. So I pray Bush did the right thing. I have been stuck in my cage for seven days, ten years in June. I called Maria, she said you're a wonderful person. I say the same. I hope you and your girlfriend are doing good. I sure miss women.

I hear Gray Davis is not doing to well. I want to sit under a tree, or walk down the beach. I will be free soon. I wrote the bar state on Richard Dangler and I hope that helps. There is a man in here that is getting people together that Dangler has robbed and he is taking it into court. I am sorry I have not wrote in a while, I really want to get my booking photo, and police report. Dangler had me sign a paper saying he was going to get it but he never did. I have a copy of the letter, well Jesse, I heard we might get off lock down tomorrow. So I need to get this in the mail so you have happy trails.

Bye, Bye
Happy Easter,

Todd Carter

May 11, 2003

-I hope this finds you well and in good health and all your loved ones. Thank you for the letter and yes you can put my letters on the net. I hope that it will draw people to see how unfair the 3XXX law is being enforced. I am doing good (happy face drawing). I am 37 years old now. I was 27 when I got arrested. I have been in for ten years and I have never hurt anyone in my life, only my family be being locked up for 65 years to life for stealing and all the stuff was given back the same day. But the food is good, it's free, Ha, Ha. I see new guards every week and the schoolteachers are being laid off. It's sad.

Hey when you put my letters on the net, can the people who read them write me please. I am lonely. I know a few people who are doing life for little BS crimes, one is an older black man who the cops asked him where to buy some drugs and he said around the corner and he got 25 years to life. I know a few more also. I talked to a man at dinner who has been in one year longer then I and he shot his dad in the head twice with a shot gun and killed him and he gets to go to the parole board in 2004 and I have no violence on my record and I have to wait till 2045 before I can go to the parole board. I know three child molesters who are going home soon and there is a serial killer who killed about twelve people and he gets to go to the parole board every two to four years.

I get sad because they give them a chance to get out but I am lockem up and throw away the key (drawing of a key). I am a little slow in the head. The prison has me as a retard but I just do my best and pray someone will see the gross miscarriage of justice. I am very sorry for what I did. I didn't plan it. I drink and I lose control of my thinking but I sleep good at night, know I have never even kicked a dog in my life.

I am a lover not a fighter and I am optimistic and I miss my family so much. My two grandmas and grandpa have died since I have been in here. My sister had a baby and named her Justice so I hope I get it. Well Jesse, thank you for your time and peace to you and all your loved ones. I hope to see you soon.

Bye, Bye. Surf Up. Hang Loose.

Todd Carter.

May 19, 2003

-I hope this finds you doing good and all your loved ones. So how have you been? I been thinking of you and

how wonderful it is to have you on my side. I am doing good. I have been locked down about a week. That means I can't come out of my cage.

There was a riot between the whites and Mexicans. I was at the class, I volunteer my time, I help the men who are sick in the head. I teach them how to do leather and how to hold the tools and ect. I enjoy it and it gets me out of my cage. I was doing a little math on the amount that the prison has spent to keep me locked up for ten years, about one million. I am a nonviolent man. Slow in the head, never hurt anyone and CDC is going to spend four million on me until I go to the parole board in 2045. I have a plan. Maybe Celebrity Justice will look into my case.

Oh, yesterday I saw myself on TV in Tango and Cash. I had a small non-speaking part. I received a letter from Screen Actors Guild and I am still relieving residuals checks, little amounts, 1.18 .20 2.93. Just chump change.

But I am a member of SAG and I want to write Celerity Justice and maybe they will look into my case. I have to try everything. I can't give up. When I see people going home I cry sometimes. And murderers and people who hurt people get to go home. I will never give up. I am a lover not a fighter. I just want out to spend time with my Mom. I lost my dad when I was seven years old and both of my grandmas and my grandpa died while being in here. I love my Family so much and I want to be with them.

So all I can do is hope and pray. Please Jesse Know I am forever grateful to you for your caring heart. Please send me the address to Celebrity Justice when you can. I hope to get off this lock-down soon. Oh, I will close for now. And you a great man.

(Peace Sign)

Todd Carter